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MEMORANDUM ENDORSED

June 14, 2021

By ECF

Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/14/2021

Re: *United States v. Medghyne Calonge*, 20 Cr. 523 (GHW)

Dear Judge Woods:

I write to respectfully request that the Court adjourn the trial currently scheduled for August 4, 2021, and that the Court request a new trial date for the fourth quarter of this year or thereafter. The Court previously denied the parties' joint application to reschedule the trial. *See* Dkt. No. 22. This request, though, is grounded entirely in Ms. Calonge's unique circumstances: a trial beginning on Wednesday, August 4, 2021 will impose significant and unnecessary hardship on Ms. Calonge and her young children, which can be ameliorated by a later court date. The Government – per Assistant U.S. Attorney Timothy Capozzi – takes no position on this request.

Medghyne Calonge is a single mother of two children: a seven year old and a twelve year old. She lives in Tampa, Florida, and *has no family or friends capable of caring for her children during the trial*. The first day of school for her children will be August 9, 2021, and it's important that Ms. Calonge be able to accompany her seven-year-old to his first day of second grade. Ms. Calonge also has no place to stay in New York during the trial, and thus will have to rent a hotel room. Because August 4 falls on a Wednesday, Ms. Calonge will have to rent a room over the weekend, thus increasing the cost of the trip, and extending the time that she is separated from her children. (Were the trial to begin on a Monday, it would likely be completed by Friday.)

Ms. Calonge's plan for the anticipated September trial was to interview and engage a caretaker whom she could introduce to the children over several weeks, and who would then stay with the children during trial. The Wednesday start-date will likewise significantly increase the cost of this child care, as well as complicating her son's first day of school.

We recognize that the COVID-19 pandemic has created significant obstacles in terms of equitably scheduling trials, and that a court cannot always accommodate an individual's personal preferences. Here, though, it's more than simply a preference – a trial beginning on Wednesday August 4, 2021 will impose significant and unnecessary hardships in connection with Ms. Calonge's ability to care for her children, and will be far more costly for someone of limited

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means. While trial in the Southern District of New York will inevitably impose some hardships on Ms. Calonge whenever it takes place, a trial that does not overlap with her children's first day of school and, if at all possible, begins on a Monday will significantly lessen those hardships.

Ms. Calonge was released on bond after her arrest in October 2020, and has been wholly compliant with all the conditions of release. Here, an adjournment will make trial less onerous for Ms. Calonge and her children, and is in the interests of justice.

For these reasons, I respectfully request that the Court adjourn the trial date, and request another date for the fourth quarter of 2021 or thereafter. If it is possible to specifically request a Monday start-date, we ask that the Court make such a request here.

Thank you for your consideration.

Respectfully submitted,

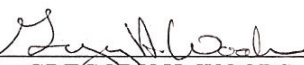
/s/ _____
Martin Cohen
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cc: Timothy Capozzi, Esq.

Application denied. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 23.

SO ORDERED.

Date: June 14, 2021
New York, New York



GREGORY H. WOODS
United States District Judge